

1 **FINAL**

2  
3 **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
4 **PLANNING COMMISSION MEETING**

5  
6 **Wednesday, August 20, 2008**

7 **7:00 p.m.**

8 **Cottonwood Heights City Council Room**  
9 **1265 East Fort Union Boulevard, Suite 300**  
10 **Cottonwood Heights, Utah**

11  
12 ***ATTENDANCE***

13  
14 **Planning Commission Members:**

**City Staff:**

15  
16 Doug Haymore  
17 Geoff Armstrong  
18 Perry Bolyard  
19 J. Thomas Bowen  
20 JoAnn Frost  
21 Brad Jorgenson, Alternate  
22 Jim Keane  
23 Amy Rosevear

Michael Black, Planning Director  
Greg Platt, City Planner  
Morgan Brim, Planning Technician

24  
25 **BUSINESS MEETING**

26  
27 **1. WELCOME/ACKNOWLEDGEMENTS.**

28  
29 Vice Chairman Doug Haymore called the meeting to order at 7:00 p.m. Procedural issues were  
30 reviewed.

31  
32 **2. CITIZEN COMMENTS.**

33  
34 There were no citizen comments.

35  
36 **3. PUBLIC HEARINGS:**

37 **3.1 The Planning Commission will hear public comment for the Avalon Point**  
38 **conditional use permit proposal for a 17-lot Planned Unit Development on**  
39 **approximately 4.78 acres, located at 8420 South Wasatch Boulevard in the R-1-8**  
40 **zone as requested by Jaime Adams.**

41  
42 (19:06:23) City Planner, Greg Platt, presented the staff report and stated that the request was for  
43 a conditional use permit for the development of a 17-lot planned unit development (PUD) at  
44 8420 South Wasatch Boulevard. He noted that the subject property is currently being used as a  
45 residence. Mr. Platt reported that some citizens have commented or appeared at the planning  
46 office regarding their concerns about the number of lots in the proposal. In addition, there has  
47 been one written communication in opposition to the project, which was presented to the  
48 Commission during the work session. Mr. Platt reported that the site comprises a total of 4.78

1 acres between three lots. He noted that the west end of the property borders near Danish Road. A large portion of the property, approximately two acres, lies on a slope that is unbuildable. The proposal preserves 1.5 acres as open space for the PUD with a small access trail. Building lots within the PUD will be clustered uphill on the west side of the development.

Mr. Platt reported that the zoning of the subject property is R-1-8, requiring a minimum lot size of 8,000 square feet. The R-1-8 zone is designed to allow an average of 5.4 units per acre in a PUD with a conditional use. The total number of lots an applicant may request when applying for a conditional use PUD is determined by dividing the total space by the minimum lot size. The Architectural Review Commission reviewed the application twice and made a recommendation of approval at the second meeting. The approval was based on the following recommendations.

1. 25-foot setbacks for garages.
2. Houses should be ramblers with gables at a maximum of 27 feet in height, giving each house a feeling of being no more than 1.5 stories.
3. The proposed open space amenity should be accepted as currently constituted.
4. Stepping back for buildings, allowing for greater heights on the back of homes, should only be allowed on Lots 4, 5, and 6 at the west end of the development.
5. Building materials should be consistent with the front elevation sketches that were given to the ARC and should be present on all the sides of the homes.

(19:10:13) The density calculation is 4.78 acres total and 1.56 acres on slopes. Because the slopes are greater than 30%, only 30% of those slope areas are counted toward the net density. That gives only 0.47 acres of slope to be counted toward density. In addition, the 0.46 acres occupied by roads cannot be used as part of the land in the density calculation. The net acreage of 3.22 acres is then divided by 8,000 square feet, for a total of 17.5 possible lots, or 17 whole lots allowed for the proposed development. Mr. Platt explained that in addition to lot size, density is also a function of how well the Planning Commission believes the applicant has addressed the purpose and function of the PUD ordinance. Therefore, the allowed lot calculation is subjective to the Commission.

(19:11:39) Mr. Platt stated that the landscaping and open space requirement for a PUD is 20%. It is defined as the total area of land and water within the external boundary of a PUD. It is intended for the use and enjoyment if the residents as open areas. The total open space provided in the proposed development is 70,832 square feet, or about 1.62 acres, which represents 40% of the total site. Although some of the space is inaccessible due to the slope, the plan includes an access trail to the open space. Front yards of all the lots are proposed to be created and maintained as linear parks. In accordance with code, only a portion of the front yard linear park areas will be counted toward open space. Mr. Platt clarified that the trail system will be open only to residents of the proposed PUD.

(19:12:50) Mr. Platt explained that pedestrian movement is required in all PUDs in the City. The movement should be accomplished through a consistent and well-designed pedestrian sidewalk

1 system, including enhanced intersection treatments. The proposed PUD creates sidewalks that  
2 front on both sides of all streets so that a complete circuit can be completed by a pedestrian  
3 walking through the subdivision. Additionally, the trail intersects a system of sidewalks.

4  
5 Mr. Platt reported that setback requirements for the R-1-8 zone are 25 feet, with a rear setback of  
6 20 feet and side setbacks of 10 feet. The proposed PUD varies from the underlying zone and  
7 pushes the homes closer to all of the lot lines. The ARC has recommended that all garages  
8 maintain the 25-foot setback from the back of the sidewalk to prevent protrusion of cars into the  
9 sidewalk. Proposed setbacks for the PUD are 15 feet to the front of the home from the back of  
10 the sidewalk, 25 feet to the front of the garage from the back of the sidewalk, eight feet on the  
11 side yards, and 15 feet for the rear yard. This will result in a minimum of 16 feet between  
12 buildings.

13  
14 (19:14:26) Staff made recommendations to mitigate detrimental effects and recommended  
15 approval of the proposed development based on compliance of code and the conditions set out in  
16 the staff report.

17  
18 (19:18:00) The applicant, Robert Poirier, of McNeil Engineering identified himself as the Design  
19 Engineer for the project. He stated that he has worked closely with the owners and they have  
20 worked to develop a project that will fit into the community and serve both the “empty nest”  
21 residents and those using them as second homes. His intent was to propose homes that don’t  
22 look overwhelming considering the smaller lot size of the proposed development. Larger  
23 driveways were proposed to allow unimpeded pedestrian access to the landscaped sidewalk  
24 areas. The open space will have three areas with benches and custom landscaping. Mr. Poirier  
25 pointed out that Lots 4, 5, and 6 will have stepped building heights, which were proposed  
26 because of the engineering considerations for the topography of the lots. The front of the homes  
27 will appear to be 1.5 stories, while the backs will be two full stories. Commissioner Armstrong  
28 clarified that the heights would otherwise be 27 feet. Mr. Poirier stated that the homes will  
29 appear symmetrical with the size of the lots.

30  
31 Commissioner Bowen asked Mr. Poirier to explain what he meant by the project being beneficial  
32 to the ski industry. Mr. Poirier responded that one of the owners lives out of state and had  
33 received a lot of positive support from people who want to come to town and stay in a home for a  
34 short period of time, without having a great deal of maintenance. With regard to whether the  
35 units will be rented, Mr. Poirier expected that because of the value of the homes, the owners will  
36 be guarded with regard to the rental market.

37  
38 Commissioner Bowen then asked Mr. Poirier what benefits the increased density will have to the  
39 City as opposed to a regular subdivision. Mr. Poirier responded that the cluster of housing will  
40 allow for larger areas of open space to be enjoyed by everyone within the community rather than  
41 each resident having a slightly larger lot. Commissioner Bowen inquired as to how the members  
42 of the community can enjoy the open space in a private PUD. Mr. Poirier responded that a  
43 benefit to the City would be that there will be asphalt and paving and more native vegetation  
44 retained. Mr. Poirier explained that the proposed development suits the needs of the purchasers,  
45 who will not have large families or require large yards. The smaller lots will require less  
46 property maintenance, which will be done professionally.

1 (19:26:06) Steve Richins, a resident of Tree Farm Estates, reported that he has lived in the area  
2 for 15 years. He was concerned about how the developers will comply with the regulations of  
3 the PUD. He referenced the Tree Farm Estates plot plan, which contains 30 lots. In this case,  
4 the request is for 17 lots. He was concerned that he has seen signs on Wasatch Boulevard  
5 advertising ski in, ski out homes. He did not consider Cottonwood Heights to be a resort town  
6 and questioned how many owners intend to occupy the homes or are merely making an  
7 investment. He thought it would be wrong for the Commission to approve the request, which  
8 will be a black eye to the City. He further noted that it does not conform to the City's own codes  
9 and regulations. He noted the design criteria demands that planned unit developments be held to  
10 a higher architectural standard. He stated that the renderings will not depict what is going to be  
11 built. Mr. Richins was experienced with renderings and stated that they are a sales tool. He  
12 pointed out that the trees depicted in the renderings are mature. Mr. Richins then stated that the  
13 burden should be on the applicant to show that the plans conform to the criteria. He was unsure  
14 that the ARC has reviewed the plans in detail and questioned whether the developer plans to live  
15 in one of the units. Mr. Richins stated that according to standards, the design and density must  
16 have a compatible, efficient, and functional interrelationship with the surrounding uses and  
17 activities and must not adversely affect the substantiality of the surrounding area. He compared  
18 the proposal to Tree Farm Estates and other developments. He did not feel the ARC should have  
19 approved the development and he expressed opposition to the proposal.

20  
21 Mr. Richins asked how the Commission judges whether there is support for a proposal. Vice  
22 Chair Haymore answered that what is important is that the Commission hear substantive issues  
23 as to why an item should be considered for approval or not. The consideration of public polls  
24 and public clamor are not allowed by law, because the rights of individual landowners are  
25 balanced with the rights of the community members. All points of view are heard and weighed  
26 against the project. An exact count of those in favor or opposed is not necessary. It is important  
27 to know, however, that the community cares, which is represented by the fact that so many are  
28 present.

29  
30 (19:32:54) Paul Spilker gave his address as 3260 McNeil Circle. He recalled when there were 50  
31 families in the City and it was quite rural. He was fond of the community had has no intention of  
32 leaving. He believes that property owners should have a right to do with their property what they  
33 want, so long as it doesn't encroach on others. He saw no difference between 17 lots and 8 lots  
34 at this point.

35  
36 (19:34:56) Walter Keene, a land use attorney, gave his address as 3391 Denningborg and reported  
37 that he recently purchased a home in the area. He was concerned that there are now two homes  
38 proposed above his property. He noted that he has one client in the City who purchased a home  
39 with the intent of renting it to skiers for \$600 to \$1,000 per night. He pointed out that there was  
40 a zoning ordinance in place that precluded her from renting it and she had to sell the house  
41 because the neighbors complained. He noted that the proposed development is in a desirable  
42 area for ski rentals. He added that there could be a potential problem for emergency vehicles to  
43 access the proposed development. He showed the relationship of his lot to the development,  
44 which is in close proximity. He asked that some restrictions be included in the CC&Rs with  
45 regard to lighting. He encouraged as much prohibition as possible on light encroachment. He  
46 did not believe the proposed development is an appropriate use as the surrounding homes are  
47 much larger. He believed the development was a short-term vacation rental opportunity and  
48 encouraged the Commission to disallow it. He suggested that the development be required to

1 have larger lots and safer ingress and egress for emergency vehicles. He added that he was  
2 concerned that there had not been a traffic study done of the property to determine what the  
3 impact will be in the event emergency equipment has to make the turn off of Wasatch Boulevard.

4  
5 Vice Chair Haymore clarified that CC&R's are a matter of private contractual agreement and not  
6 something the Planning Commission can consider. The Commission can, however, consider  
7 adding conditions to any potential approval.

8  
9 (19:40:38) Karen Morgan gave her address as 8378 South Austrian Way and stated that she has  
10 lived in the Tree Farm Estates area for nearly 20 years. She recalled the prior use of the subject  
11 property as a residence and stated that most of her concerns were addressed by prior speakers.  
12 Her understanding was that the developer wants to sell the lots to individual builders and have  
13 each builder decide the design and style, which would be contrary to City ordinances. Her main  
14 concern had to do with the dangerous curve on Wasatch Boulevard and the additional traffic that  
15 will result from the proposed development. She added that there is low visibility there currently.  
16 She urged the Commission to deny the request.

17  
18 (19:42:53) Chris Terry gave his address as 3125 Kennedy Drive. He was present on behalf of his  
19 father who lives at 3368 Austrian Way in Tree Farm Estates. He questioned the density  
20 calculations and believed the square footage of the lots seemed to have been included with no  
21 allowance for the roadways. The developable acreage is approximately 140,000 square feet,  
22 which has been divided by 8,000 square feet in its entirety. He does not believe 17 lots can fit  
23 under the R-1-8 zoning. He pointed out that the density can be no more than that allowed in the  
24 area in which the PUD is located. Planning Director, Michael Black, requested more time to  
25 review the calculations outside of the meeting.

26  
27 (19:45:52) Commissioner Bowen clarified that Mr. Terry's inquiry had to do with why more lots  
28 are allowed under a PUD. Mr. Black responded that when the density calculation is figured it  
29 should take out 30% of the slope over 30% first. Next the road should be taken out. Whatever is  
30 left over is what the density calculation should be based on. He requested more time to consider  
31 the issue. He noted that if there is a mistake, it will be corrected and presented at the next  
32 meeting. Commissioner Bowen explained that you can get more density in a PUD than in a  
33 regular subdivision. The tradeoff would be benefits conferred upon the city.

34  
35 (19:47:30) Mary Anne Anderson gave her address as 3394 East 8350 South in the Tree Farm  
36 subdivision. As a long-term resident she wants what is best for the City. She thought the intent  
37 was to balance the needs and wants of the proposed PUD with the nearby homeowners. Some of  
38 her concerns were previously addressed, such as setbacks and proposed heights. She measured  
39 and found that a height of 25 feet towered over her home. She was concerned that something so  
40 tall could potentially be 15 feet from her lot line. She was also concerned with the setbacks and  
41 density proposed. It did not seem right to her for all of the open area to be in the back one-third  
42 with all of the homes clustered in the front two-thirds. She presented the Commission with a  
43 petition signed by 54 of the residents in the Tree Farm subdivision. She reported that 100% of  
44 the people they caught at home were opposed to the proposed development. Ms. Anderson  
45 reported that she is a realtor by profession and things she uses to market property, such as  
46 privacy, conformity of the neighborhood, and quiet, will all be impacted by the 17 homes  
47 proposed. It will impact the property values of nearby homes as well. She was unhappy with the  
48 proposed development and submitted her petition to the Commission. She hoped to see the

1 needs of homeowners in the two subdivisions balanced between with the wants and desires of the  
2 developer. She believed the developer purchased the property being fully aware of the zoning  
3 and knowing the character of the surrounding neighborhoods. For him to now assume he can  
4 make a radical change to the area between the two neighborhoods did not appear to be fair and  
5 balanced.

6  
7 (19:50:50) Ken Ruick gave his address as 3358 Austrian Way. He reviewed Chapter 19.78 and  
8 found inconsistencies with the current proposal. One had to do with density and open space. He  
9 noted that the developer cannot build on a portion of the land because of water that goes through  
10 the area. He questioned whether that space was included in the density calculation. Vice Chair  
11 Haymore stated that it will be considered as the density calculation issue is addressed. He agreed  
12 that some land cannot be used in the calculations and noted that they will ensure that only  
13 allowable land is used.

14  
15 Mr. Ruick pointed out that open space needs to be architecturally consistent with the  
16 development. He believed there should be open space throughout the development, which is not  
17 the case in this proposal. He was concerned that three lots violate the regulations regarding the  
18 preservation of trees, natural topography, and geographic features. He presented photographs of  
19 the property to clarify his position that a house cannot be built without a retaining wall and  
20 landfill. He believed the trees in the area will be removed. Next, he referred to Section 1.40 of  
21 Chapter 19.78 regarding effects on surrounding properties. This section requires arrangement of  
22 structures and open spaces within the PUD in a manner that ensures that the adjacent properties  
23 will not be materially or adversely affected. He stated that the applicant is also required to  
24 clearly show that the variation in density will not jeopardize any significant public interest. He  
25 believed the property values of the surrounding areas will be affected. No sales figures have  
26 been reported for the subject homes but he was told by two realtors that his property value will  
27 decrease by 15 to 20 percent. He was concerned that the proposed development will have a  
28 negative impact on his property value and expressed opposition to the proposed development.

29  
30 (19:56:38) Bill Gordon gave his address as 3353 Daneborg Circle and encouraged circulation of  
31 the petition in their neighborhood as well. He too was concerned about property values.  
32 Mr. Gordon suggested overlaying the native scrub oak on the property. He commented that the  
33 scrub oak acts as a barrier between the two properties. He believed that was part of the reason  
34 the homeowners in the area bought their property. He hoped there would be a requirement to  
35 preserve as much native vegetation as possible.

36  
37 (19:58:35) Randy Owen gave his address as 3375 East 8307 South in the Tree Farm subdivision.  
38 He wanted to ensure that the sharpness of the curve on Wasatch Boulevard is addressed. He  
39 travels the road daily and has found that people drive very fast. The proposed subdivision, which  
40 would have an increased use of 17 units, is located at the center point of the sharp curve. He was  
41 particularly concerned with nighttime travel from the south to the north on Wasatch Boulevard.  
42 He believed it would require major reconstruction of the road to install a left-hand turn lane into  
43 the subdivision. He reported that it is the sharpest curve between Big Cottonwood Canyon and  
44 Little Cottonwood Canyon. The proposed development with increased density will impact the  
45 middle point of the curve. Mr. Owen expressed opposition to the proposed development unless  
46 major reconstruction is done of Wasatch Boulevard.

1 (20:01:15) Roseanne Terry gave her address as 3368 Austrian Way and stated that she has been  
2 in real estate for 30 years. She recalled that for several of the local subdivisions, it took many  
3 years to get rid of rental homes. She explained that with a ski rental, several families come for a  
4 ski weekend and the result is a lot of cars. She did not think the proposed development could  
5 handle that. She would be very disappointed if the City allows the developer to permit rentals,  
6 which they all fought so long to get rid of. Mr. Black stated that a code was established to  
7 prohibit short-term rentals. He added that violators will not be tolerated on the basis that they are  
8 unfamiliar with the code. Ms. Terry explained that other subdivisions were built that way and  
9 she misunderstood the intent of the proposal. Commissioner Frost noted that one area that is  
10 permitted for this use is no longer within the City's jurisdiction. Mr. Black added that there are  
11 some allowed along certain corridors under certain conditions.

12  
13 Ms. Terry asked how many retaining walls were planned for the project and what their road  
14 construction plans were. She also questioned whether the property will be flattened with  
15 retaining walls. She did not want to see unattractive concrete walls used for this purpose.

16  
17 (20:04:21) Darrell Voorhees gave his address as 8490 South Scottish Drive, just west of the  
18 proposed subdivision. He referenced the Lantern Hill project, which the Cottonwood Heights  
19 Community Council was against originally. However, the county approved it. Problems with  
20 the project included emergency access difficulties, lack of parking, and snow removal problems.  
21 Mr. Voorhees was concerned that the new subdivision will have the same issues, particularly  
22 with parking. He was also concerned about where the runoff water from the proposed  
23 subdivision will go. He explained that many people will be affected if the irrigation ditch in the  
24 area is used or obstructed in the summertime. Mr. Voorhees also expressed concern with sewage.

25  
26 (20:06:30) Mike Stevens gave his address as 8352 South Austrian Way and stated that he has  
27 been a resident for 17 years. He was adamantly opposed to the project as currently proposed.  
28 He suggested the developer build homes that are compatible with the surrounding homes, as he  
29 could make an equal profit with such a development. He believed the total acreage of the project  
30 is less than required for a PUD. He did not believe the renderings are representative of the  
31 completed subdivision should the lots be sold to individual builders. He thought it was counter  
32 to the goals of the City of Cottonwood Heights. He added that if the design was more reflective  
33 of the surrounding homes, he would most likely be in favor of it.

34  
35 (20:08:49) Julie Swindells gave her address as 8356 South 3375 East in the Tree Farms Estates  
36 subdivision. She was concerned about a water easement that crosses the rear of her property and  
37 where it will cross the new development.

38  
39 Vice Chair Haymore asked Mr. Poirier to respond to some of the questions raised.

40  
41 (20:09:46) Mr. Poirier first addressed the question of traffic problems along Wasatch Boulevard.  
42 He reported that traffic studies have been conducted and they are working with UDOT. Wasatch  
43 Boulevard was scheduled to undergo a major road widening, with a large amount of property on  
44 the front of the subdivision dedicated to accommodate the larger road. A deceleration lane was  
45 planned and a left-hand turning lane for the subdivision entrance. The existing travel lanes will  
46 also be increased by one foot. With regard to visibility issues, there are minimum engineering  
47 standards that require a certain sight distance in any direction. They were just below double that  
48 required distance. Mr. Poirier explained that the area in question on the map was to become a

1 grassy area with landscaping and a depression in the center to handle storm drainage. Water will  
2 be released slowly into a public system. The design was meant to handle a 100-year storm event.

3  
4 Cottonwood Heights City limits subdivisions to two retaining walls with a maximum height of  
5 six feet, which must be separated. Mr. Poirier explained that these would be landscaped, tiered  
6 walls to minimize the domineering aesthetic effect of the structures on the hillside.

7  
8 Mr. Poirier reported that the Salt Lake City Aqueduct is a 150-foot wide easement, 75 feet of  
9 which will traverse the proposed development. This is subsurface and does not render the area  
10 unbuildable, although it lies within their open space. With regard to the density, their current  
11 calculations were at 40% open space while the requirement was 20%.

12  
13 (20:13:46) Mr. Poirier reported that they are working with the Fire Department with regard to  
14 standards for interior radiuses and turnaround lengths. He reported that the proposal meets all  
15 Fire Department Code requirements. Parking space is mitigated by larger driveway space. Each  
16 home will have four parking spaces and additional off-street parking is located at the ends of the  
17 hammerheads.

18  
19 Vice Chair Haymore invited clarifications from the public.

20  
21 (20:15:43) Chris Terry identified the waterline easement on the map and specified where it  
22 traverses the proposed development property.

23  
24 Ken Ruick was confused about Lot 18 and not sure if it was included in the open space  
25 calculations. Vice Chair Haymore stated that it will be carefully considered. He thanked the  
26 citizens for their comments and stated that the item will be re-noticed for Planning Commission  
27 decision. Mr. Black explained that it would generally not be noticed for action other than on the  
28 agenda.

29  
30 Vice Chair Haymore closed the public hearing.

31  
32 (20:18:19) Mr. Black stated that it could take longer than two weeks to assess the approval of  
33 UDOT for road expansion. He suggested one month be allowed. Vice Chair Haymore agreed  
34 and suggested a decision be scheduled for September 17. It was suggested that the item be  
35 continued until such time as the Planning Department has completed their work at which time  
36 the issue will be re-noticed. Vice Chair Haymore agreed. There were no objections.  
37 Commissioner Bowen suggested the public be encouraged to provide additional comments in  
38 writing. Vice Chair Haymore agreed and stated that the item will be open for public comment  
39 for at least two weeks. Comments were to be submitted to staff.

40  
41 (20:21:14) Commissioner Bowen commented that the complaints of Mr. Richins were actions  
42 taken by the County, not Cottonwood Heights or the Planning Commission. He then addressed  
43 Mr. Morgan and Mr. Gordon's concerns that architecture and vegetation issues be dealt with in  
44 the PUD. One advantage of a PUD is that staff has control over such issues. The Commission  
45 can impose conditions that the architecture match what is represented in the proposal. The  
46 Commission is also very concerned about native vegetation and can impose restrictions on its  
47 removal. With regard to ski rentals, they are not allowed. In addition, the roads have to be  
48 approved by the Fire Department. Commissioner Bowen also noted that whether the property is



1 developed as a PUD or a regular subdivision, Wasatch Boulevard will eventually be widened. It  
2 might be done more quickly, however, with a PUD. He explained that the Commission will  
3 decide whether control over the project offered by a PUD will offset the public concerns.

4  
5 (20:23:40) Commissioner Armstrong realized that short-term rentals are a concern and read a  
6 portion of the staff report involving the same issue in a different case. It stated that no new  
7 short-term rental properties are being licensed in Cottonwood Heights.

8  
9 Commissioner Frost asked if anything is in place prohibiting what took place on the Canyon  
10 Racquet Club Property where the building was raised. Mr. Black stated that once the 19.76  
11 amendments are adopted, there is language requiring the site plan and concept plan to be  
12 approved before a building is raised. A public hearing for the matter was scheduled for  
13 September 3.

14  
15 Commissioner Rosevear commented that she once lived on the property that is the subject of the  
16 development proposal and is familiar with the issues there, particularly with the roads. She  
17 reminded the applicant that it is their responsibility to show the benefit to the City by adding  
18 additional density to the parcel. The open space area is proposed in an area that could be  
19 developed with only one home due to easements and topography. While the widening of  
20 Wasatch Boulevard would be a benefit to the community, it would also be achieved if a regular  
21 subdivision were developed on the property. She believed that custom homes would be built if  
22 the lots were sold individually. Mr. Black added that modular homes would have to be allowed,  
23 although uncommon. Commissioner Rosevear reiterated that she needs clear and convincing  
24 evidence that the community will benefit from the additional density.

25  
26 **3.2 The Planning Commission will hear public comment for the Alta Hills proposed**  
27 **general plan amendment, located at 8575 South Wasatch Blvd., requested by Mark**  
28 **Neff for an amendment from the low-density general plan designation to the**  
29 **medium-density designation. This item has been heard before by the Planning**  
30 **Commission and is being heard again due to a change in the application request**  
31 **where the applicant is reducing the amount of property proposed for the**  
32 **amendment.**  
33

34 (20:33:35) Vice Chair Haymore called the meeting back to order. Planning Technician, Morgan  
35 Brim, presented the staff report and stated that the application originally requested five twin  
36 homes for a total of 10 units in the proposed development. The Planning Commission heard the  
37 request and recommended denial to the City Council. A recommendation of three twin homes  
38 was given for the property. The applicant amended his request to four twin homes and a total of  
39 eight units. This still will require a change from a low-density general plan designation to a  
40 higher density. It was clarified that this change would encompass all five lots.

41  
42 (20:36:22) The applicant, Mark Neff, represented the owners of the property who are his family  
43 members. He believed the benefits of the proposal include more people to participate in  
44 common maintenance of the strip of UDOT property that runs about 450 feet along the property  
45 frontage. In addition, it will give the project more of a planned unit look that is more visually  
46 pleasing to passersby. He believed the City Council wanted the homes clustered along the south  
47 end of the property, freeing up more open space on the north end. The proposal sets aside 1.5 of  
48 the five lots as unbuildable space. He explained that they need more units than the

1 recommended three in order to pay for the joint maintenance of the streetscape and other issues  
2 associated with the PUD. Financially, he was not convinced he was better off one way or the  
3 other. He was, however, convinced that he can create a better project visually and street  
4 maintenance-wise with the proposed application.

5  
6 Vice Chair Haymore opened the public hearing.  
7

8 (20:38:26) Nathan Anderson gave his address as 8660 South Alton Circle and identified the  
9 location of his property. He was in favor of the proposed development and pleased that a  
10 developer is proposing a multi-family non-rental development with an upscale appearance. He  
11 noted that he is the only neighbor in the area. He believed that if the property were developed  
12 with single-family homes, they would be cost-prohibitive. He preferred the affordability offered  
13 by the proposed development. He added that the area lends itself to this type of development as  
14 there are no other nearby neighbors. He did not believe there was affordable housing in the area  
15 and voiced support for the project.  
16

17 (20:41:01) Ed Hobday gave his address as 8527 Little Willow Circle, located just west of the  
18 subject property. He spoke previously to the City Council on the matter and was still opposed to  
19 it for a number of reasons. After listening to the previous item he was concerned that there were  
20 no density or slope studies done on the property. He expressed opposition to more duplexes in  
21 the neighborhood. Across the street there are rental properties that create parking issues. He did  
22 not want to see increased traffic on Wasatch Boulevard and did not consider what is proposed to  
23 be much of a change from the previous proposal. To him, single-family homes would be much  
24 better. He stated that the property will be difficult to build on and suggested Mr. Neff donate the  
25 property to the City for a dog park.  
26

27 (20:43:53) Randy Long gave his address as 8610 Twins Hill Drive and expressed opposition to  
28 the development. He stated that no more development is needed in the area. He was concerned  
29 that the area will become overdeveloped and growth will get out of control. He reported that he  
30 also owns duplexes.  
31

32 (20:45:11) Carol Benson gave her address as 3577 East 8620 South and stated that this is the  
33 third time she has appeared on this issue. She remained opposed as she did not believe there had  
34 been any changes proposed from the beginning. She realized that Mr. Neff has a right to develop  
35 the property. If he wants it to be part of the community, he has the option to take the road that is  
36 already going to the three lots bordering it off of Wasatch Boulevard and continue it into his  
37 development and make it part of the Golden Hills community. She also wanted a more suitable  
38 number of homes developed on the property. She did not believe the project as proposed would  
39 be a part of the community or benefit the City.  
40

41 There were no further public comments.  
42

43 (20:46:41) Vice Chair Haymore closed the public hearing. He clarified that the matter was  
44 scheduled for public hearing only tonight. A decision would be made at some point in the future.  
45

46 Commissioner Rosevear asked whether the open space would be guaranteed under the proposal.  
47 She was concerned about the access onto Wasatch Boulevard with the number of units. It was  
48 clarified that if the entire property is re-designated, there is no guarantee that only six units will

1 be developed. She asked if there was any way to acquire open space with a General Plan  
2 amendment for the property. Mr. Black confirmed that there was not and that the General Plan is  
3 advisory only.

4  
5 Commission Armstrong inquired as to whether the continuation of the existing road is feasible  
6 and would provide access. Mr. Black explained that it is a private road and easements would  
7 have to be obtained from all property owners. He added that the road comes off of Alpine Circle  
8 and becomes a private lane and does not currently meet fire code standards. A past application  
9 for a subdivision was denied because of the same issue.

10  
11 (20:49:46) Vice Chair Haymore scheduled the item for action on September 3.

12  
13 **4. ACTION ITEMS.**

14 **4.1 The Planning Commission will take action on a conditional use permit for a day**  
15 **care/preschool request from Pearl and George Garff located at 7304 Jonathan**  
16 **Drive. This is a request for a home based day care/preschool to be located in the**  
17 **home of the applicants with no more than 12 students. A public hearing was held on**  
18 **this item on August 6, 2008.**

19  
20 (20:50:09) Mr. Brim presented the staff report and stated that the current ordinance allows for no  
21 more than 12 students and one employee who do not live at the home. The property is located on  
22 the northwest corner of Winesap Road and Jonathan Drive. The applicants proposed indoor  
23 instruction with recess on the side yard at the northern end of the property. Staff recommended  
24 approval with the conditions contained in the staff report.

25  
26 Commissioner Rosevear asked about the ballet bar. She was concerned that there would be  
27 dance classes not included in the preschool. This was clarified to be part of the playground  
28 equipment and, therefore, a part of the preschool.

29  
30 The public hearing was opened. There were no public comments. The public hearing was  
31 closed.

32  
33 (20:54:25) *Commissioner Frost moved to approve item 4.1, conditional use permit for a home*  
34 *daycare preschool, subject to the following conditions:*

- 35  
36 *1. That there shall be no more than 12 children including the caregiver's own children*  
37 *that are under age 6 and not yet in full day school.*  
38  
39 *2. There shall be no more than one employee on location at any given time that does not*  
40 *reside in the home.*  
41  
42 *3. The caregiver shall comply with all applicable licensing requirements under Title 5 of*  
43 *the Cottonwood Heights Code of Ordinances.*  
44  
45 *4. There shall not be business-related signs on the property, only a nameplate.*  
46  
47 *5. The play yard shall not be located in the front yard and shall only be used between 8:00*  
48 *a.m. and 6:00 p.m.*

6. *That the applicant constructs a fence separating the front yard and the play area in the side yard to provide a safety buffer for the street.*

7. *The facility shall not operate before 7:00 a.m. and not after 6:00 p.m.*

8. *Conditional use shall be reviewed upon complaint of violations of the conditional use.*

*Commissioner Armstrong seconded the motion. Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye, JoAnn Frost-Aye; Jim Keane-Aye; Amy Rosevear-Aye. The motion passed unanimously.*

**5. DISCUSSION ITEMS**

**5.1 The Planning Commission will review and discuss a proposed amendment to the Supplementary and Qualifying Regulations (19.76) and the Mixed-Use (19.36) for the addition and regulation of Urban Mixed-Use Self-Storage facilities as requested by Jim Kane.**

(20:56:14) Mr. Platt requested that the Commission extend the meeting to accommodate presenters for this item who have traveled from out of state.

(20:56:58) *Commissioner Bowen moved to extend the time of the current meeting to 9:20 p.m. Commissioner Rosevear seconded the motion. Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye, JoAnn Frost-Aye; Jim Keane-Aye; Amy Rosevear-Aye. The motion passed unanimously.*

(20:57:21) Mr. Black reported that he received a request for a self-storage facility in the gateway zone. His initial reaction was that it would not fit the criteria of the gateway ordinance. After hearing the proposal Mr. Black suggested the applicant explore the option through a code amendment to see if there was a way to create a regulation in the mixed-use zone to regulate it as a mixed-use building. Options would include office, residential, retail, and other similar uses. It would have to be a mix of some other secondary use with the primary use being self-storage. The Architectural Review Commission reviewed the plans and draft regulations were written to address the issues identified.

While no standards are established in the regulations, they ensure that the building fits into its surroundings. The buildings would have to fit into future standards for the gateway overlay zone. In the interim, the proposed regulations ensure that the architecture matches the quality, texture, and architectural intent of surrounding buildings and the intent of the regulations of the gateway overlay zone design guidelines. The ARC recommended approval of the proposed amendment. Mr. Black stated that the challenge will be ensuring consistency with the gateway zone.

(21:02:11) Applicant Jim Kane, from Atlanta introduced his partners Dan Nixon, of Ogden, and Mike Rowe, from Seattle. The three had been involved in all aspects of the storage industry for the last 20 years. They were working on numerous facilities in the surrounding communities. They had been involved in developing high-end facilities in other cities and have international

1 experience. The proposed product is currently not available in the Salt Lake Valley. This  
2 project will be the first time mixed use will be incorporated into one their developments.

3  
4 He explained that storage facilities are needed for residents as home sizes decrease due to cost,  
5 increased densities, and as community regulations no longer allow storage sheds in yards.  
6 Businesses are also impacted with high rent costs on storage areas. He explained that the storage  
7 industry has changed with average stays increasing from a few months to over 12 months. As an  
8 example, a retailer may need more inventory storage during the holiday season. Another change  
9 has been that the location and character has changed from large buildings on freeway acreage to  
10 those closer and more convenient to the customer. In most cases, the facilities are located on less  
11 than three acres. Mr. Kane cited police departments, neighborhood associations, and charitable  
12 associations as some businesses that utilize storage facilities.

13  
14 (21:06:50) The new variety of uses means that the facilities have moved to more expensive and  
15 smaller parcels of land, as small as one acre, and buildings are multi-story because of this  
16 expense. Customer-friendly retail offices are included that are well-staffed and inviting.  
17 Security is accomplished by video surveillance, cameras, and well-lit hallways. Comfortable and  
18 large hospital-style elevators are used. Storage units are also climate-controlled.

19  
20 Mr. Kane explained that their proposed facility will complement the existing businesses as it  
21 provides needed storage, generates low traffic, requires very little parking, is efficient, and  
22 creates an excellent buffer between residents and other commercial activities. The product is  
23 quiet and not heavily used. The customer base is estimated to be within a three-mile radius.

24  
25 (21:11:07) Mr. Kane next presented the Planning Commission with draft renderings of the  
26 proposed facility. The driveway and parking would be in front. Approximately 7,000 feet of  
27 retail or office space was proposed along the front, including the storage office. The storage  
28 units are above and behind the façade. The cars enter on the north and exit through the center  
29 section. Functioning windows were included per ARC recommendations to create the  
30 appearance of an office building. The appearance of nearby offices will be emulated on the  
31 facility. An east side elevation draft was presented, showing the view from the residential area.

32  
33 Commissioner Armstrong asked if the facades were easy to change. Mr. Kane reported that they  
34 are. He explained that there is some difficulty with windows, as the function of the facility  
35 requires interior hallways that may not align with the windows. He stated that they will work  
36 with the ARC further on the design. Commissioner Frost inquired as to whether there were  
37 inside layout drafts available. Mr. Kane did not have these available; however, he did present  
38 them to the ARC. Mr. Black reported that he had seen the renderings and found that it does not  
39 look like a typical storage facility.

40  
41 Vice Chair Haymore clarified that the facility will be one building encompassing the entire  
42 property. It is essentially a large warehouse with a visible upgraded façade. Mr. Kane  
43 confirmed that there is no open storage included. The building will have three stories with a 35-  
44 foot maximum height. It was confirmed that there are currently two storage facilities in  
45 Cottonwood Heights.

46  
47 (21:16:04) Commissioner Rosevear commented that the Commission has been waiting to see  
48 such a proposal since storage facilities are generally considered to be less attractive. She thought

1 the ordinance was a good idea and would be a feasible way to permit such a use. Commissioner  
2 Armstrong added that the two existing storage facilities are relatively small. Mr. Kane  
3 commented that the Town Center facility is the closest. The facility on 2300 East is more  
4 traditional as it encompasses a larger area and includes RV space. He remarked that there are  
5 less security and fewer amenities at this location.

6  
7 M. Bernson commented that his office is located across the street from the proposed project. He  
8 inquired as to how many lots the project will encompass. Mr. Kane reported that there will be  
9 three parcels, totaling approximately 1.5 acres. Two houses will remain between the facility and  
10 the street corner.

11  
12 Commissioner Armstrong questioned why there are so many parking spaces in the project. It  
13 was clarified that since the façade is mixed use, the parking spaces are necessary for the retail or  
14 office use. Mr. Kane explained that there would be loading areas next to the large elevators.  
15 The Commission Member then questioned landscaping plans near the property lines on the east,  
16 next to the residential area. It was clarified that there will be a landscaping buffer in this area.  
17 Mr. Black added that the renderings are representative of an example based on the applicants'  
18 interpretation of the code. The code permits the ARC to impose any appropriate buffering.

19  
20 (21:20:07) Mr. Kane reported that they have been working with a number of different planning  
21 commissions along the east bench. The proposed product is flexible enough to conform to the  
22 needs of individual communities, however, because one goal of the company is to develop a  
23 brand in the area, they will be seeking consistency in their different projects. A Commission  
24 Member clarified that the project is in the gateway zone and the Planning Commission will set  
25 the standard.

26  
27 Vice Chair Haymore suggested the item be noticed for a public hearing and requested that  
28 comments on the ordinance be emailed to him. Mr. Black reported that more than two weeks  
29 would be required for a public hearing. He requested that the item be added to the work session  
30 agenda scheduled in two weeks to ensure that comments and questions have been received from  
31 the Planning Commission. Commissioner Frost added that she would like to see the designs  
32 from other cities. Mr. Kane reported that he will make the PowerPoint presentation available to  
33 the Commission. It was clarified that there has not been a decision as to whether there will be a  
34 change.

35  
36 **6. APPROVAL OF MINUTES.**

37 **6.1 January 9, 2008**

38 **6.2 January 16, 2008**

39 **6.3. February 6, 2008**

40 **6.4 March 19, 2008**

41  
42 (21:23:58) Due to time constraints, Vice Chair Haymore suggested approval of the minutes be  
43 rescheduled to the next meeting.

44  
45 **7. PLANNING DIRECTOR'S REPORT**

46  
47 There was no Planning Director's report.

1   **8.     ADJOURNMENT.**

2  
3   (21:24:14) *Commissioner Rosevear moved that the remaining items be moved to the agenda in*  
4 *two weeks and that the current meeting adjourn. Commissioner Frost seconded the motion.*  
5 *Vote on motion: Doug Haymore-Aye; Geoff Armstrong-Aye; J. Thomas Bowen-Aye; JoAnn*  
6 *Frost-Aye; Jim Keane-Aye; Amy Rosevear-Aye. The motion passed unanimously.*  
7

8   The Planning Commission Meeting adjourned at 9:24 p.m.

1 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
2 *Cottonwood Heights City Planning Commission meeting held Wednesday, August 20, 2008.*

3  
4  
5  
6  
7  
8 

9 Teri Forbes  
10 T Forbes Group  
11 Minutes Secretary

12  
13  
14 Minutes approved: